

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 29, 2004

DIVISION ONE

B166374 Clancy (Not for Publication)

V.
The Hot Network, et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B167392 Los Angeles County, D.C.S. (Not for Publication)

V.
Kevin C.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B167957 People (Not for Publication)

V.
Bara

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

DIVISION TWO

B165487 People v. Urquiza (Not for Publication)

The order of restitution is reversed, and the cause is remanded for a restitution hearing so that the trial court can determine the amount that appellant should pay the church to give it full restitution. In all other respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B163495 People (Not for Publication)
v.
Tillman

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

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The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B164719 People v.
Collins

(Not for Publication)

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B159809 Clair Harpster (Not for Publication)
v.
Rodene Harpster

We reverse the judgment and remand the matter to the trial court to determine spousal support based on Clair's reassessed monthly income. We further reverse the attorney-fees award and remand to the trial court with directions to reconsider the necessity and amount of any need-based attorney fees pursuant to sections 2030, 2032, subdivision (b), and 4320 based on its reassessment of Clair's income. Claire shall recover costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B130513 Ash and Comerica Bank-California (Not for Publication)
v.
Ash

Appeal No. B130513 is dismissed, and the judgment in B141349 is affirmed. Respondents shall have their costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B162758 Michael A. O'Flaherty, et al. (Certified for Publication)
v.
Stephen L. Belgum, et al.

The judgment is reversed with directions to the trial court to vacate the arbitration award (Code Civ. Proc., § 1286.2, subd. (d)). All parties to bear their own costs on appeal.

Mosk, J.

I concur: Armstrong, Acting P.J.
I dissent: Mosk, J. (Opinion)

DIVISION SIX

B168376 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION EIGHT

B165120 People v. Jenkins (Not for Publication)
B169385 In Re Jenkins on Habeas Corpus

Accordingly, the judgment is affirmed in all respects; the petition for habeas corpus is denied.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

DIVISION EIGHT (Continued)

B163106 Nick A. Alden (Not for Publication)
 v.
 Esther W. Nelson

The September 25, 2002, order is reversed to the extent it denied Alden's section 425.16 motion to strike. In all other respects, the order is affirmed. The cause is remanded for further proceedings consistent with this opinion. Because Nelson was required to respond to a non-appealable order, we order that each side is to bear his/her own costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

B170832 Ruben H. (Not for Publication)
 v.
 The Superior Court Of Los Angeles County
 Los Angeles County, D.C.S.

The petition is for writ of mandate is granted. The respondent court is directed to vacate its order terminating reunification services and setting a hearing for the selection and implementation of a permanent plan for the children. The respondent court is further directed to conduct a new status review hearing and determine whether additional reunification services should be offered or provided, or a new hearing should be set for the selection and implementation of a permanent plan. This opinion is final forthwith. (Cal. Rules of Court, rule 24 (b)(3).)

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

DIVISION EIGHT (Continued)

B156866 People (Not for Publication)
v.
Jose Aguilar and Sergio Aguilar

Jose's conviction is reversed. Sergio's convictions are reversed. If Jose and Sergio are retried, the court should, consistent with this opinion, ensure that only relevant gang evidence is admitted. Evidence admitted for the purpose of demonstrating motive must be probative of that issue.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B157567 Mohammed Adkhamnejad (Not for Publication)
v.
Louis Herrera, et al.

The judgment is affirmed. Mohammed Afkhamnejad is to recover his costs on appeal.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B160741 Gene Harris, et al. (Not for Publication)
v.
Kathleen Connell

The judgment is affirmed. Kathleen Connell is to recover her costs on appeal.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

January 29, 2004 (Continued)

DIVISION EIGHT (Continued)

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The judgment is reversed. The cause is remanded to allow appellant to withdraw his plea and for further proceedings.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.